

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TROY RAY EMANUEL, JR.,

*Petitioner,*

vs.

DWIGHT NEVEN, *et al.*,

*Respondents.*

2:16-cv-01368-GMN-GWF

ORDER

This habeas matter comes before the Court on petitioner's second motion (ECF No. 14) for appointment of counsel and on respondents' motion (ECF No. 13) for waiver of compliance with Local Rule LR IA 10-3.

The Court previously found in denying petitioner's first motion for appointment of counsel that the interests of justice did not require the appointment of counsel in this matter. Petitioner's second motion does not lead to a different finding. Petitioner asserts that he is 22 years old and has no legal training. However, there is no constitutional right to counsel in a habeas proceeding; and habeas petitions thus generally are pursued by adult inmates who have no prior legal training. Petitioner further makes a conclusory assertion that he has no access to the prison law library. However, the prisoner cases before this Court reflect that inmates at Ely State Prison are provided access to prison legal resources via a paging system rather than direct physical access. An inmate thus can request copies of cases, including potentially the cases cited by the respondents in a motion to dismiss, as well as other legal materials from the law library. This paging system of law library access is available to inmates even if they may be in some category of segregated confinement.

1 The Court accordingly again does not find that the interests of justice require the  
2 appointment of counsel in this matter. The Court will extend petitioner's time to respond to  
3 the motion to dismiss. Petitioner should note that the filing of another motion for appointment  
4 of counsel rather than responding to the motion to dismiss within the extended deadline may  
5 result in the motion to dismiss being granted as unopposed.

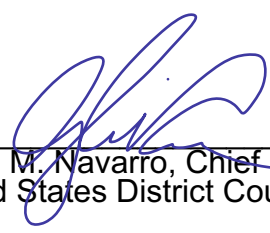
6 Respondents' motion to waive compliance with the local rule regarding the filing of the  
7 exhibits will be granted.

8 IT THEREFORE IS ORDERED that petitioner's second motion (ECF No. 14) for  
9 appointment of counsel is DENIED.

10 IT FURTHER IS ORDERED that the time for petitioner to mail a response to  
11 respondents' motion (ECF No. 7) to dismiss for filing is EXTENDED up to and including sixty  
12 (60) days from entry of this order.

13 IT FURTHER IS ORDERED that respondents' motion (ECF No. 13) for waiver of  
14 compliance with Local Rule LR IA 10-3 is GRANTED, such that respondents may file a  
15 separate index of exhibits identifying each exhibit by number and may send the courtesy copy  
16 of the exhibits to the staff attorneys rather than to chambers.

17 DATED: November 28, 2016

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22 Gloria M. Navarro, Chief Judge  
23 United States District Court  
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